

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAR 8 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

THOMAS MALGESINI,

Plaintiff-Appellee,

v.

GREGORY MALLEY,

Defendant-Appellant.

No. 22-15625

D.C. No. 5:20-cv-07002-EJD  
Northern District of California,  
San Jose

ORDER

Before: GOULD, RAWLINSON, and BRESS, Circuit Judges.

Appellee Thomas Malgesini's motion for attorneys' fees (ECF No. 36) is GRANTED. The determination of an appropriate amount of fees is referred to Appellate Commissioner Lisa Fitzgerald, who has authority to conduct whatever proceedings she deems appropriate and to enter an order awarding fees subject to reconsideration by the panel. *See* 9th Cir. R. 39-1.9.